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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,659	09/29/2003	Michael Gomer Stelljes JR.	9372	2454

27752 7590 05/18/2005

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EXAMINER

LONEY, DONALD J

ART UNIT	PAPER NUMBER
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1772

DATE MAILED: 05/18/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

10/673,659

Applicant(s)

STELLJES ET AL.

Examiner

Donald Loney

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 23 February 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.
- 4a) Of the above claim(s) 10-23 and 25 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-9 and 24 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date 12/05/03
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

***Election/Restrictions***

1. Applicant's election of Group I in the reply filed on February 23, 2005 is acknowledged. Because applicant did not distinctly and specifically point out the supposed errors in the restriction requirement, the election has been treated as an election without traverse (MPEP § 818.03(a)).

***Claim Rejections - 35 USC § 102***

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

3. Claim 24 is rejected under 35 U.S.C. 102(b) as being anticipated by either Donnelly (3708366) or Ruppel et al (5846636).

Donnelly discloses an embossed multiply sheet wherein the first face comprises non-adhesively bonded embossed sites (section just to the right of 9' which can be considered the top of the embossment) and adhesively bonded non-embossed sites at 13. Refer to figure 3, which is substantially the same as applicant's figure 1A. Ruppel et al discloses two sheets 5, 6 that are embossed and adhesively 9 bonded at non-embossed sites. Refer to figures 1 and 4. They are show as nesting like applicant's figure 1. Also, refer to figure 4 showing the adhesive 9 at the same location as applicant's adhesive bonded region 20 in instant figure 3. The non-adhesively bonded embossed sites of the prior art (i.e. the sections between the protuberances on roll 2

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which do not have adhesive thereon) are also located at the same location as the applicant's embossed sites 16 in figure 3.

4. Claims 1, 4, 5 and 7-9 are rejected under 35 U.S.C. 102(b) as being anticipated by Ruppel et al.

Ruppel et al discloses two sheets 5, 6 that are embossed and adhesively 9 bonded at non-embossed sites. Refer to figures 1 and 4. They are show as nesting like applicant's figure 1. Also, refer to figure 4 showing the adhesive 9 at the same location as applicant's adhesive bonded region 20 in instant figure 3. The non-adhesively bonded embossed sites of the prior art (i.e. the sections between the protuberances on roll 2 which do not have adhesive thereon) are also located at the same location as the applicant's embossed sites 16 in figure 3. The height of the embossments is 1-2mm (i.e. 1000-2000 $\mu$ m). The sheet caliper would be at least 39-79 mils (1000-2000 $\mu$ m) since the embossments are of this height. The area bonded by the adhesive is disclosed as .1-20%. The sheet can be in roll form per column 3, lines 44-46 disclosing toilet paper of paper towels. The adhesive is disclosed in dot form. Refer to column 2, lines 13-65 and column 4, lines 17-30.

### ***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 2, 3 and 6 are rejected under 35 U.S.C. 103(a) as being unpatentable over Ruppel et al.

The primary reference teaches the invention substantially as recited except for the specific properties of the above claims, which are all drawn to strength properties of the product. See the 35 U.S.C. 102 rejection above. Ruppel et al does disclose that it is known that embossing multiply sheets results in improved liquid absorption, touch and softness.


Therefore, it would have been obvious to one having ordinary skill in the art at the time the invention was made to the Ruppel et al to vary the strength properties of the product as desired for its particular application (i.e. tissue and or toilet paper) in order to form an improved product therefrom.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Donald Loney whose telephone number is (571) 272-1493. The examiner can normally be reached on Mon, Tues, Thurs and Fri. 8AM-4PM, flex schedule.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Harold Pyon can be reached on 571 272-1498. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Donald Loney  
Primary Examiner  
Art Unit 1772

DJL:D.Loney  
05/14/05